

# HOWNIKAN

PEOPLE OF THE FIRE

Bulk Rate  
U.S. Postage  
**PAID**  
Tecumseh, OK  
Permit No. 26

Vol. 7 No. 7

Citizen Band Potawatomi Tribe

August 1985

## 1985 election certified

The Citizen Band Potawatomi tribal election of 1985 has passed all court tests brought against it by losing candidates and has received the seal of approval of CFR Court Judge Phillip Lujan necessary for the certification of winning candidates.

Several of the defeated candidates in the 1985 election had appealed the election results to the Election Committee, in a procedure provided for in the tribal election ordinance.

When the Election Committee refused to overturn the election results, defeated candidates John Schoemann and Richard Whitecotton filed suit in CFR Court attempting to get an injunction preventing newly-elected Chairman John Barrett and Business Committee members Bob Davis and Dr. Francis Levier from assuming their duties as elected officials. Schoemann, Whitecotton and former Chairman Leon Bruno also brought suit against the tribal Election Committee, claiming several violations of the election ordinance and "unfair influence" of tribal members by Barrett's publication of privately mailed campaign literature. The suit against the Election Committee also charged that a tort had occurred when the secretary-treasurer and vice chairman of the tribe endorsed Barrett's slate of

candidates in his campaign publication.

In a hearing on the request for a restraining order held on July 30, Lujan ruled that successful candidates Barrett, Davis and Levier had been properly installed in office, according to mandates in the tribal constitution and tribal election ordinance. During the hearing, former Chairman Leon Bruno testified that he personally had sought out CFR Court Judge Lawrence Wahpepah to swear in newly elected officials at the June 29 General Council meeting. Bruno was third in a three-way race for tribal chairman, which Barrett won by a 22-vote margin over Schoemann.

"There is no provision in the election ordinance for non-installation," said Lujan, who went on to define the differences between "installation" and "certification" of officers. He ruled that the new officers were installed in conformance with constitutional and ordinance provisions but that the election would not be certified until all appeals had been heard and ruled on.

On August 20, a two-and-half hour hearing was held on the suit brought against the Election Committee. Judge Lujan

**Continued Page 8**



## Tribe makes training donation

The Citizen Band Potawatomi Tribe's Community Health Representative (CHR) Program recently donated \$2,585 worth of training and supplies to the Pottawatomie County Sheriff's Department.

Eleven "first responder" training slots for sheriff's deputies and "first responder" supply kits, donated by the tribe, will help assure area residents that deputies are trained to handle medical emergencies until advanced medical assistance arrives.

The tribal CHR Program has

also been active in other community-related activities recently, including participation in Shawnee's Santa Fe Days and Tecumseh's Frontier Days celebrations. Tribal employees participating on behalf of the CHR Program offered blood pressure testing and glucose screening to area residents.

**Pictured: Pottawatomie County Sheriff Paul Abel (left) accepts the first responder training donation from CHR Director Ken Cadaret and Tribal Chairman John Barrett.**



**Who are these men?**

**See Page 8**

## HIP applications being taken

Applications are currently being accepted for the 1986 Citizen Band Potawatomi Home Improvement Program (HIP).

Applicants must be Indian, have a maximum family income of less than \$12,000 and be living in substandard housing. Persons already served by the HIP

program are not eligible for the 1986 program.

For further information on applying for HIP assistance contact the Citizen Band Potawatomi Tribe, located on S. Beard Street, across from Mission Hill Hospital.



# For the record . . .

## Business Committee Minutes July 8, 1985

**PRESENT:** Chairman John Barrett, Vice Chairman Doyle Owens, Secretary-Treasurer Kenneth Peltier, Committeeman Bob Davis, Committeeman Dr. Francis Levier, Assistant Administrator Pat Sulcer, Grievance Committee Members Beverly Hughes, C.B. Hitt, Dennis Duvall and CFR Court Judge Lawrence Wahpepah, Mrs. Wahpepah.

Chairman John Barrett called the meeting to order at 7 p.m.

Minutes of the June 30, 1985 Business Committee meeting were read. Dr. Levier offered one correction to the minutes, noting that he had abstained on the motion to appoint him tribal administrator. Corrected vote should read 3 in favor, 1 absent, 1 abstention. Bob Davis moved to accept the corrected minutes; Kenneth Peltier seconded. Motion passed 5-0.

Chairman Barrett announced the next order of business would be the swearing-in of the newly elected Grievance Committee members. Chairman Barrett read Article 8 of the new tribal constitution to the Grievance Committee members clarifying their role as an investigative arm of the tribe. CFR Court Judge Lawrence Wahpepah then swore in Beverly Hughes, Dennis Duvall and C.B. Hitt as (two year term) Grievance Committee members.

Chairman Barrett then issued an open invitation to the newly elected Grievance Committee to attend any and all meetings of the Business Committee in order to keep abreast of decisions and issues.

Chairman Barrett addressed the Grievance Committee on the issue of making Business Committee members administrative employees of the tribe. The Chairman explained that in the early days of BIA interference with tribal governments, tribes had been encouraged to hire outsiders, run their tribes — based on the BIA opinion that Native Americans were not qualified or experienced enough to fill administrative positions. The Chairman further explained that the new Business Committee members had run on — and were elected on — the platform that they were the most educated, experienced candidates to run the tribe's affairs — and that that was what they intended to do. The Chairman also explained that nearly all of the federally recognized tribes paid their elected officials to run the administration and business affairs of the tribe.

The Assistant Administrator's report to the Business Committee was read. Items of importance included: publication of the HowNiKan will be July 11, 1985; intradepartmental terminations due to administrative reorganization; parking lot completion under HUD grant; Schoemann libel suit hearing scheduled for July 15; resignation request sent to Steve Parker; regional meetings report — all eight Business Committee and Grievance Committee members are interested in attending first regional meeting; typesetting equipment has been ordered and will be paid for by an \$1800 grant from the Presbyterians.

A request from Potawatomi Chief of Police Nick Peltier for compensation for 192 hours of comp time was heard. Doyle Owens moved to approve monetary compensation to Peltier to be divided between three equal payments; Bob Davis seconded; motion passed 3-0; John Barrett and Kenneth Peltier abstaining.

Pot. Resolution No. 86-166 was amended to read: "A resolution adopting administrative procedures allowing elected tribal officials to function as administrative personnel, giving them full authority to administer tribal programs under specific administrative guidelines." Francis Levier moved to adopt the amended resolution; Doyle Owens seconded; motion passed 5-0. The new resolution will be number Pot. No. 86-166A.

Doyle Owens moved to accept Pot. Resolution No. 86-167 "Authorizing per diem payment for Grievance Committee meetings on an as needed basis." Kenneth Peltier seconded the motion; motion passed 5-0.

Francis Levier moved to reappoint Doyle Owens to the tribal scholarship foundation; Bob Davis seconded; motion passed 4-0, Doyle Owens abstained.

Doyle Owens moved to approve Pot. Resolution No. 86-168 "Appointing Bob F. Davis, Business Committee member, to the prosthesis committee and removing a present member (Richard Whitecotton)"; Francis Levier seconded the motion; motion passed 4-0, Bob Davis Abstaining.

Discussion was held on the possibility of establishing a tribal education foundation, staffed by volunteer tribal members, that would assist tribal members in searching out alternative funding sources for educational expenses.

Dr. Levier gave a report on Finley & Cook (CPA's) analysis of the tribal accounting and computer systems. For a monthly fee of \$8500 Finley & Cook will complete the computer accounting system and have all departmental budgets on a daily update system by August 1, 1985. Included in the monthly charge will be services and communications with the Inspector General's office, indirect cost negotiations and full consolidation of the tribal bookkeeping/accounting systems. Business Committee consensus was to have Dr. Levier draft a contract with Finley &

Cook for a one year period, at the end of which, re-evaluation and renegotiation could take place. Kenneth Peltier so moved; Doyle Owens seconded; motion passed 5-0.

Discussion was held on the new Bingo contract. Enterprise Management Consultants, Inc. is currently paying the tribe on the tenth of every month. Tribal police are responsible for head counts at the Bingo hall at every session.

Discussion was held on the possibility of establishing employee achievement/incentive awards. Dr. Levier will draft a plan.

Discussion was held on the purchase of Maranatha property to house the HUD pilot project elderly housing complex. Approval was granted for the purchase of the property abstract.

Dr. Levier reported that the air conditioning in the Fire Lodge was not adequate for the senior citizen activities held there. Consensus was to put the equipment/service needs of the Fire Lodge up for competitive bid.

Discussion was held on implementing a Potawatomi Preference Procurement Policy. Dr. Levier will draft a resolution for presentation to the Business Committee.

Doyle Owens moved to repeal Pot. Resolution No. 84-73; Kenneth Peltier seconded. Motion passed 5-0. (Resolution pertained to employment of Business Committee members).

Francis Levier moved to repeal Pot. Resolution No. 84-7B (authorizing Steve Parker to act on behalf of the tribe); Kenneth Peltier seconded; motion passed 5-0.

Doyle Owens moved to accept Pot. Resolution No. 86-169 authorizing WIC funding; Pot. Resolution NO. 86-170 authorizing ICWA funding and Pot. Resolution No. 86-171 authorizing funding for the Consolidated Tribal Governmental Program for fiscal year 1986. Bob Davis seconded the motion; passed 5-0.

Bob Davis moved to donate \$110 to the Potawatomi Softball Team for expenses. Doyle Owens seconded the motion; passed 5-0.

Consensus decision was that funds from the Bingo head-tax should be going into the Tax Commission account rather than General Account. Francis Levier will make changes.

Doyle Owens moved to establish a Tax Appropriations Subcommittee, composed of Business Committee members, to determine tax appropriations from business revenues allocated to the general tribal operating fund. Bob Davis seconded; motion passed 5-0.

Discussion was held on a tribal member's request that the tribe adopt her grandchild. Since the child does not fall within the blood degree guidelines for Citizen Band Potawatomi enrollment, it was the Business Committee consensus that the tribal Indian Child Welfare worker should be advised that she may assist the tribal member with the court authorities but that the tribal constitution prohibits the child's adoption by the tribe.

Meeting adjourned at 10:10 p.m.

## Business Committee Minutes July 19, 1985

**PRESENT:** Chairman John Barrett, Vice Chairman Doyle Owens, Secretary/Treasurer Kenneth Peltier, Business Committeeman Bob Davis, Business Committeeman Dr. Francis Levier, Assistant Administrator Pat Sulcer

Meeting called to order at 3:15 p.m.

Doyle Owens moved to waive the reading of the last minutes until the next scheduled meeting. Francis Levier seconded. Motion passed 4-0; one abstention.

Kenneth Peltier moved to hire Finley and Cook to perform program work on tribal rolls and to allow them access to changes. Estimated work time will be 100 hours at a rate of \$32.50 per hour. Doyle Owens seconded the motion; passed 5-0.

Francis Levier moved that Toby Kinslow be assigned to research acquisition costs on a System 38 and examine earnings potential for same. Kenneth Peltier seconded; motion passed 5-0.

John Barrett moved to appropriate \$100 to Andy Bradford for expenses incurred by the Potawatomi Softball Team, noting that "This is the last of the softball money." Doyle Owens seconded the motion; passed 4-1, one abstention.

Kenneth Peltier moved to adopt Pot. Resolution No. 86-172 allowing "Michael Minnis of the law firm of Pierson, Ball and Dowd, be retained under the auspices of Steven Parker's attorney contract (presently under termination notice) to represent the Citizen Band Potawatomi Tribal Election Committee in CFR Court actions arising out of appeals under the Election Ordinance as applied in the election of June 29, 1985." The resolution refers to action brought by defeated candidates Richard Whitecotton and John Schoemann. Doyle Owens seconded the motion; passed 5-0.

Francis Levier moved to adjourn the meeting at 3:30 p.m. Doyle Owens seconded the motion; passed unanimously.





## A letter from the Tribal Chairman

### Fellow Tribal Members:

Because the Citizen Band Potawatomi Tribe operates nearly \$3 million of government contracts, more than \$2 million of tribal enterprises and employs more than 45 people, it has become apparent that the duties assigned to tribal officials under the new constitution cannot be performed by part-time, inexperienced people. It is not a coincidence that the people you have elected in the last two elections are the people who are qualified to **actually operate** the tribe by virtue of their experience and education. The tribal membership elected these people **to do the job** - not to get together once a month and try to figure out what the tribal staff had done over the last 30 days!

The makeup of our tribal government is very different under our new constitution. With added authority came added responsibility for the Business Committee and executive officers.

Each month the various newspapers printed throughout Indian Country bring to light some scam or scandal caused by a tribal government that could not control and monitor itself. Elected officials have personal liability in carrying out their duties as a government and, too often, do not have the constitutional authority to insure the honest function of that government.

The operation of our tribal government has become very complex. The administration of government contracts is a profession in itself. The operation of businesses and facilities of the size and dollar-volumes of ours requires the highest level of professional management.

The Citizen Band Potawatomi people voted in a new constitution that created an Executive Branch of tribal government. The delegated authority of the chairman is defined in another article in this issue of the *HowNiKan*. Under that authority, and with the unanimous consent of the Business Committee, I have required that the duties of the tribal secretary-treasurer necessitate full time attention. Your elected secretary, Kenneth Peltier, will assume a position formerly held by a staff person who was laid off. His salary will not exceed that of a normal staff

person and will be commensurate with his 30 years of prior federal employment. He brings to the job a broad level of experience and selfless dedication.

Your elected vice chairman, Doyle Owens, has been assigned to monitor portions of the tribal enterprises and consolidate the functions of the tribe's advisory boards. His compensation will be based on the hours he is required to work at a rate comparable to his private employment. His total compensation will not exceed the payment made to a staff position vacated for this purpose.

Dr. Francis Levier, elected to the Business Committee in the 1985 election, has been appointed to the position of tribal administrator. When I was your tribal administrator, Dr. Levier served as assistant administrator and was responsible for all government contracts. He has previously served as tribal administrator for another tribe and has over 11 years tribal management experience. He has managed to overcome severe obstacles since July 1, and has increased efficiency within the tribal operation while reducing employee costs.

While new lines of responsibility have been created in adding three elected officials to the staff, we have been able to **reduce the overall number of employees of the tribe from the previous administration**. This has become possible by replacing former employees with more qualified ones, and by combining authority and responsibility into one position by adding members of the Business Committee to the staff. Our tribe has been one of the last in the country to take this step. Just as state governments employ their elected officials, so have we grown to the size that we must do as much. Our responsibility and liability require it.

I look forward to meeting all of you at the regional meetings we will be scheduling for across the country. Please take the time to attend; I'm certain you will find it a rewarding experience.

## Supreme Court rules on jurisdiction

In a decision of great significance for Indian tribal courts and tribal governments, the U.S. Supreme Court on June 3 ruled unanimously that the question of a tribal court's jurisdiction over a non-Indian in a civil suit should be determined, in the first instance, in the tribal court system before any appeal on the jurisdictional issue could be made to the Federal system.

The court, in *National Farmers Union Insurance Company v. Crow Tribe*, said the reasoning of a 1978 Supreme Court ruling that tribal courts did not have criminal jurisdiction over non-Indians does not apply to civil jurisdiction.

The court said: "Rather, the existence and extent of a tribal court's jurisdiction will require a careful examination of tribal sovereignty, the extent to which that sovereignty has been altered, divested or diminished, as well as a detailed study of relevant statutes, Executive Branch policy as embodied in treaties and elsewhere, and administrative or judicial decisions."

The case involved an Indian child injured on the grounds of a public school located within the boundaries of the Crow Reservation in Montana. When the child's guardian sued for damages

in the tribal court, school officials ignored the suit and a default judgment of more than \$150,000 was awarded the plaintiff.

A federal district court held that the tribal court had no jurisdiction over a civil action against a non-Indian and the Court of Appeals reversed that decision, saying the federal court had no jurisdiction.

The decision of the Supreme Court differs with both the lower courts by determining that the tribal court has the first jurisdiction, with review by the federal courts possible after the remedies of the tribal courts have been exhausted.

This status and authority accorded to the tribal court is similar to that enjoyed by the state courts.

## Elderly housing available

The Absentee Shawnee Housing Authority is currently seeking applications from Potawatomi elders desiring homes. All applications and requests for information should be directed to the Absentee Shawnee Housing Authority, Attention: Jack Clemence, P.O. Box 425, Shawnee, Oklahoma 74801.

## Scholarship recipient graduates

Cynthia Lucina Coulter, the granddaughter of an early Potawatomi resident, graduated from the Oklahoma College of Medicine June 2, 1985, as Doctor of Medicine. Cynthia's grandmother was Henrietta (nee Frigon) Coulter, who came to Pottawatomie County at age 10 from St. Mary's, Kansas.

Cynthia's great-grandfather was Hilaire Frigon, who had helped move the Sac and Fox tribe to Oklahoma. After moving his own family to Oklahoma, Frigon died when a smallpox epidemic hit the Sac and Fox camp at Red Fork.

Doctor Coulter attended the University of Oklahoma for two years and then attended the University of Texas where she received her B.A. degree. After completing her pre-medical training at the University of New Mexico, she was admitted to the University of Oklahoma School of Medicine in 1981. Doctor Coulter finished in the top 25% of her class, and was elected to the Alpha Omega Alpha Honorary Medical Society. She will do her residency at the University Health Sciences Center, specializing in neurology.

During her four years at the Medical School and during her pre-med coursework at the University of New Mexico, Doctor Coulter was a regular recipient of the Potawatomi tribal scholarship grant. She is the daughter of Joe Coulter of Wanette and Vivian Coulter of Norman.

## HOWNIKAN PEOPLE OF THE FIRE

The *HowNiKan* is a publication of the Citizen Band Potawatomi Tribe, with offices located at 1900 Gordon Cooper Drive, Shawnee, Oklahoma.

The purpose of the *HowNiKan* is to act as the official publication of the Citizen Band Potawatomi Tribe and to meet the needs of its members for the dissemination of information.

The *HowNiKan* is mailed free to all enrolled Citizen Band tribal members, with subscriptions available to non-members at the rate of \$6 annually.

The *HowNiKan* is a member of the Native American Press Association. Reprint permission is granted with credit to the *HowNiKan* or the Citizen Band Potawatomi Tribe.

All editorials and letters become the property of the *HowNiKan*. Submissions for publication must be signed by the author and include a traceable address. Publication is at the discretion of the *HowNiKan* editor and the Citizen Band Potawatomi Business Committee.

Change of address or address corrections should be mailed to Rt. 5, Box 151, Shawnee, Oklahoma 74801.

### Citizen Band Potawatomi Business Committee

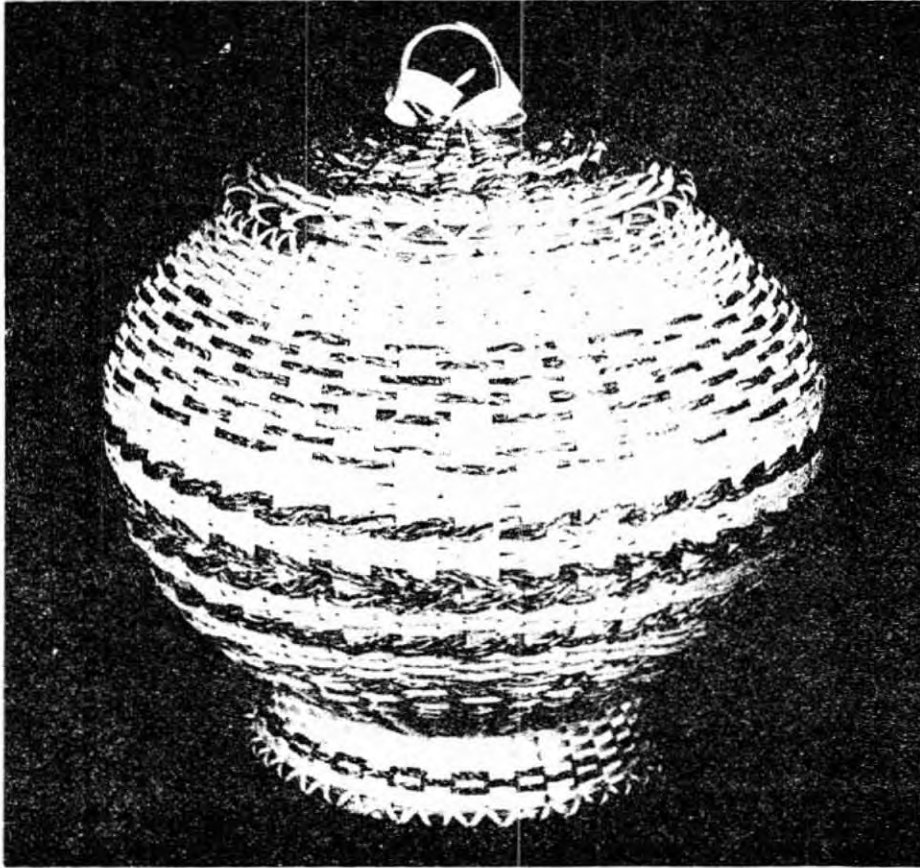
Chairman — John "Rocky" Barrett  
Vice Chairman — Doyle Owens  
Secretary/Treasurer — Kenneth Peltier  
Committeeman — Dr. Francis Levier  
Committeeman — Bob F. Davis

*HowNiKan* Editor  
Patricia Sulcer

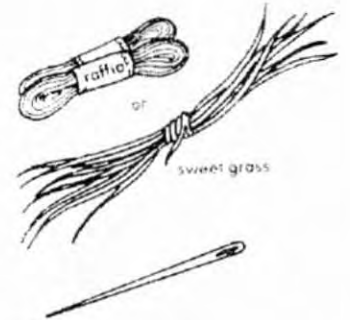


# Potawatomi scrapbook

## How to make a Sweetgrass basket



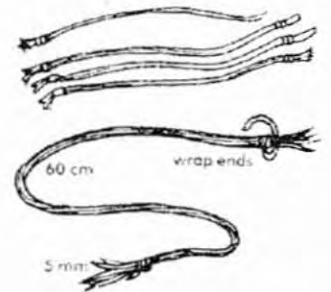
**SWEETGRASS GROWS** to a height of two and a half feet. It grows in marshy areas and is picked during June, July, August and September. It is then put in bunches or in braids and hung to dry in the shade. This helps to keep the green colour. Sweetgrass is used to make fans, mats, coasters, bowls and baskets.



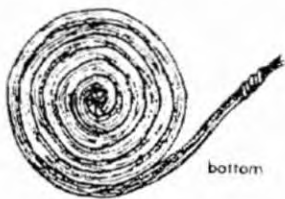
Materials:



1. Moisten the grass.



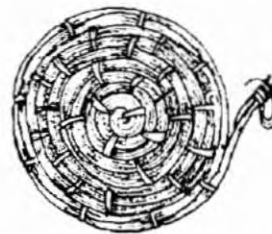
2. Tie in bunches.



3. Twist in a flat coil.



4. Sew lengths together.



5. Add extra lengths.



6. Stop when base is 7 cm.



7. Coil sides upwards.



8. Widen at top.



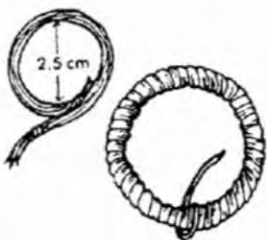
9. Continue till 10 cm. tall.



10. Make a top.



11. Fit the top and bottom.



12. Make a handle.



13. Sew handle to the top.



14.



"SWEETGRASS BASKET" has been

taken from KAWIN of the PONA series. Other books in this series are FORT ALBANY RESERVE and ST. REGIS RESERVE. Price \$3.95. ISBN 0-88902-143-0. Available from FITZHENRY & WHITESIDE, 195 Allstate Parkway Markham, Ontario, L3R 4T8, Telephone (416) 477-0030.



# In our opinion . . .

## Notes from Indian Country

by Tim Giago

C. Montgomery "Gummy" Johnson doesn't want to be accused of crying wolf. But he is convinced that all American Indian tribes are being scheduled for "termination" and "abrogation of treaties" within the next 10 years.

Johnson is a former National Republican Committeeman, Washington State Republican chairman, chief lobbyist for the Weyerhaeuser Corporation and state teachers union.

Last month "Gummy" addressed the Native American Fish and Wildlife Society at their annual convention held at the Radisson Hotel in Duluth, Minn. He said he was there to express his quiet rage over what is being done and what is being planned for the destruction of the Indian people.

"Sometimes I feel like the boy who cried 'wolf' — not when the wolf wasn't there — but when the boy saw an organized pack of wolves and no one was organized to fight them off," Johnson said.

Johnson offers a powerful example of how a small, determined group of people can push through legislation aimed at abrogating existing treaties even though they are opposed by "every daily newspaper, every television station, all major political candidate running for the governor's office, the majority of the state's congressional delegation of both parties, the top religious leaders, all major church denominations, the entire forest products industry, dozens of legal scholars, the State Labor Council, the State Charter Boat Association, the State Environmental Council, the League of Women Voters, the Northwest Steelhead and Salmon Council, and many other support groups."

Under the guise of "Help save our resources for generations to come," an initiative numbered 456 went on the ballot in the State of Washington. The major thrust of Initiative 456 was to declare all natural resources in the state, including land, water, timber, fish and game "be managed only by the state of Washington."

The initiative also declared, as a matter of state law, "that all citizens, including treaty Indians, shall have equal rights."

At first glance, to the unsuspecting, it sounds good. After all, who can argue against equal rights for everyone? It sounds fine unless one is an American Indian vested with special treaty rights.

Although thinly disguised as an initiative to make steelhead a national game fish, the pro-456 people readily admitted that the real objective of the initiative was to "force Congress' hand on the question of Indian treaties." The supporters of 456 said, quite openly, "This is not a fish issue, it is an equal rights issue."

In his 700-page report entitled, "First our Lands, Now Our Treaties," Johnson wrote that the pro-456 campaign was conducted under the umbrella of an organization called S/SPAWN, which stands for, Steelhead and Salmon Protection Action for Washington Now."

Under that umbrella were such organizations and groups as, The Interstate Congress of Equal Rights and Responsibilities, Washington State affiliates of the National Wildlife Federation, the National Wildlife Federation itself, the National Farm Bureau, a county commissioner active in the National Association of American Sportsfishing Alliance, Outdoor Writer's Association of America, Outdoor Life Magazine, Wildlife Management Institute, a former Washington State Game Department official who publicly advocated abrogating treaties, a former U.S. Congressman who had introduced legislation to abrogate Indian treaties, Equal Rights for Everyone of Hayward, Wis., and the Wisconsin Alliance for Rights and Resources (WARR).

Johnson said, "Despite raising \$250,000 for the campaign against Initiative 456 (two-thirds of it raised by Indian tribes from within and outside of the state), despite 100 percent opposition by the daily press, and despite all of the television opposition, 456 passed by a margin of 53 percent to 47 percent."

"Those who would abrogate our treaties say they are doing it so that all Americans will be equal — enjoy equal rights, but if you look beneath this veneer, you will find that the real reason behind the concerted effort to abrogate Indian treaties is greed — greed for our land — greed for our mineral resources, and — greed to stamp us out for daring to be different," Johnson said.

"Gummy's" rage is fueled by the fact that although the threat is real and immediate, most Indian tribes are going about their business as if all is well in Indian country. He is angry because those pushing to abrogate treaties have made no bones about their intentions, but the threats and the national efforts are falling on deaf ears.

It is Johnson's firm belief that the chaos, internal bickering, and tribal pettiness found on so many Indian reservations is working to the advantage of those who would abrogate treaties and terminate tribes.

"Even if we had the support of all the media in the United States, we will lose this final battle if we do not organize and get our own acts together. No one can help us if we cannot help ourselves," Johnson concludes.

"History will show that the Indian nations and their friends were well warned long in advance," Johnson said.

## Citizen Band Potawatomi - who are we?

When John Barrett, Francis Levier and Bob Davis ran for Business Committee office last June, one of their campaign promises was to "take the tribe to the Potawatomi people." It's a novel idea and some might ask "What does that mean?"

The fact of the matter is, that for whatever reason, many, many Citizen Band members — after accepting citizenship and purchasing their allotments — left the Indian Territory area designated to them by the federal government. We know that a number of Citizen Band were actually allotted in Kansas — Dr. Levier's family, for instance. We hypothesize that a number left during the dustbowl that hit Oklahoma — perhaps traveling on to California as part of a mass

migration. We think a number of tribal members may have followed the oil field boom to Texas.

But we're not sure about any of this — and it's information we hope to gain from tribal members themselves at the regional councils scheduled all across the country.

There has been very little written about the Citizen Band. Dr. David Edmunds has written an exhaustive narrative of the Potawatomi in Michigan and Indiana. Father Joseph Murphy of St. Gregory's College has written about the Potawatomi in Kansas, taking them right up to the point of division between the Prairie Band and Citizen Band. One of our dreams is to accumulate information from you, the descendants of the original Citizen Band Tribe, in order to clarify and

record the accurate history of Indian Territory's first American citizens. We think you might be surprised to know exactly where the Citizen Band people are. This list might also help to clarify the reasoning behind the current Business Committee's commitment to the absentee ballot and the concept of "taking the tribe to the people."

Kansas	924
Missouri	248
Florida	139
Texas	1104
Colorado	264
Arizona	227
California	1968
Washington State	294
Oregon	176
Oklahoma	4132
Wyoming	33
Idaho	58
Utah	66
New Mexico	138
Nevada	104
Hawaii	12
Alaska	37
Germany	1
Australia	1

Puerto Rico	1
Canada	50
England	1
Massachusetts	40
Rhode Island	6
Maine	5
Vermont	4
Connecticut	19
New Jersey	31
New York	73
Pennsylvania	50
Washington D.C.	4
Maryland	24
Virginia	42
W. Virginia	1
N. Carolina	23
S. Carolina	17
Georgia	52
Alabama	29
Tennessee	41
Mississippi	18
Kentucky	16
Ohio	31
Indiana	43
Michigan	44
Iowa	24
Wisconsin	34
Minnesota	17
S. Dakota	15
Montana	50
Illinois	136
Nebraska	20
Louisiana	55
Arkansas	91

## Network

Dear Sirs:

I enjoy the newspaper although I have not been around the reservation and know only a couple of people in the area. My father, who has now passed away, was born around Sacred Heart in 1906. He left the area as a youth and worked his way to Kansas where he lived until

his death.

I now wish I would have asked more questions of my father and grandmother about our past. I have done some research in Topeka and Kansas City, but the information is limited. I hope the tribe gets a genealogy archive.

Sincerely,

William D. Rhodd  
R.R. 1, Box 236  
De Soto, Ks. 66018

Dear Sir:

I am sending a donation of \$25.00 for the HowNiKan. It helps keep me up on tribal events. My mother was Florence Bessie Willmet. Her father was Frank L. Willmet and his father was Joseph Willmet. I would be happy to correspond with any of the Willmet descendants. My address is Box 875, Chouteau, Oklahoma 74337.

Yours truly,  
Alta Mae Sinor



# The new constitution part 2

The adoption of the new tribal constitution has raised some questions in many tribal members' minds as to exactly what it provides for. In the last issue of the **HowNikan** we addressed Articles 1 through 4. Article 5, Article 6 and Article 7 are the subjects this month, and present a clear definition of the powers of the Council, the Business Committee, and the executive officers of the tribe.

Over the years the issue that presented the most controversy in tribal government was the relationship between the power of the General Council versus the power of the Business Committee. The old constitution contained a phrase that caused the most argument: "The General Council is the supreme governing body of the Tribe." Problems arose because the old constitution also contained the phrase: "The Business Committee shall have the authority to speak and act on behalf of the Tribe in all matters except those relating to claims and treaties." Since 1936, the conflict between these two concepts has resulted in General Council Resolutions pertaining to such issues as the hiring of tribal staff, the naming of "honorary chiefs," and "tribal historians," amended blood degrees contrary to the tribal rolls, removal of tribal officials without a hearing and, finally in 1984, a violent seizure of the tribal headquarters by a small dissident local faction of the tribe. The last event, while it represents tragedy in the history of the tribe, was also a blessing in disguise because it motivated adoption of the new constitution and led to a judicial definition of the powers of the Council and the powers of the Business Committee by the Tribal Court.

Judge Phillip Lujan, in his decision of June 30, 1984, ruled that the "Council" was every member of the tribe eligible to vote, i.e., the electorate. The Business Committee, just like a state legislature, is the elected representative body of the Council with **delegated** powers under the constitution. All the authority vested in the Council as the "supreme governing body" was **delegated by the constitution to the Business Committee**. Claims and treaties with the federal government were specifically reserved for action by the entire Council. Since the old constitution did not mention absentee ballots and said that elections would be held "at the General Council meeting", the 1984 election's absentee ballots were not allowed, the dissident faction was removed from the tribal headquarters and a new election was court-ordered.

Judge Lujan also ruled that a constitutional revision would be necessary to allow the use of absentee ballots. A new constitution was submitted to a vote of the entire tribe by the Secretary of the Interior and was approved by nearly a five to one margin on March 29, 1985. It had been clear for years that the tribe needed a

new **form** of government if it was to behave as a government and not an unruly mob. The annual "General Council," under the old constitution and form of government, had deteriorated into five or six hours of petty bickering and "flim flam". Worst of all, no more than 70 or 80 members were attending. The older and wiser members viewed it as a waste of time at best and physically dangerous at worst. The younger members were so disillusioned that over 25% of them refused to identify themselves as tribal members in the 1980 census.

The new constitution was drafted after more than a year of careful study. What was needed was a form of government that could **govern**, and what better example than that of the United States of America: three branches of government - legislative, executive, and judicial. The Business Committee as a whole is the legislative branch. The chairman, vice chairman and secretary-treasurer are the executive branch and the tribal court is the judicial branch. The General Council is the electorate - the voters. All the powers of each branch are defined.

The new constitution spells out the powers of the Council very clearly: the Council has **reserved** authority to approve or delegate actions of the Business Committee that result in (1) uses of trust funds, (2) sale or mortgage of tribal land, or (3) settlement of claims against the United States. Note that the constitution does not say the Council may act **directly**. The Council can only approve, disapprove or delegate actions of **the Business Committee on these three issues**. All other powers and duties of the tribal government are delegated to the elected body of the tribe - the Business Committee. Under the new constitution the Council now votes by referendum on all decisions concerning these three issues. Every member of the Council (all tribal members over 18 years of age) can vote either in person or by absentee ballot. The same voting procedure is also used in tribal elections.

The constitution also delegates specific powers **within** the Business Committee. Article 6, Section 2 of the new constitution (the old constitution had similar language) states: "The Chairman shall have general supervision of the affairs of the Council and of the Business Committee." This means that the chairman can, in essence, run the tribe under rules and regulations (Resolutions and Ordinances) approved by the Business Committee. The present chairman prefers the "advice and consent" of the majority of the Business Committee on most actions because our body of tribal law and regulations have not developed to the extent that a chairman can exercise "general supervision" within a specific framework of established guidelines. Once tribal law and

regulations are written and adopted by the Business Committee to cover all aspects of tribal activity, the chairman, under constitutionally delegated "supervision" powers and the instruction to "see that the laws of the tribe are faithfully enforced" (Article 6, Sec. 2) shall become the legal equivalent to a governor of a state or mayor of a city.

Article 7, Section 2 delegates all the authority and powers of the Council to the Business Committee with specific limitation: (1) the limitations of the three Council powers previously mentioned, (2) the limitations of the tribal court's authority, the Election Committee, and the Grievance Committee, (3) the limitations of "those powers....delegated to another tribal entity by the Constitution." Item (3) of this list then **limits** the power of the Business Committee as a whole and refers to the **delegated** power of the chairman to exercise "general supervision of the affairs of the Council and of the Business Committee." It is under this authority - that delegated to the chairman - that the tribal administrator and staff function and exist. Tribal employees work within a legal and regulatory framework adopted by the Business Committee under supervision of the chairman or his appointed representative (the tribal administrator).

Article 6, Section 3 of the Constitution provides that "the Vice Chairman shall perform the duties of the Chairman in his absence or incapacity to act, and shall undertake such other duties as may be **assigned to him by the Chairman** or by law." Clearly the implication is that the chairman has the constitutional authority to assign duties to other members of the Business Committee under the "general supervision of the affairs of the Business Committee" language of Article 6, Section 3.

The secretary-treasurer has specific duties under the new constitution described in Article 6, Section 4. The most important of these are the "custody of the records and all papers of the Council," the keeping of a "correct list of all enrolled members of the tribe," and the receipt and care of "all monies of the Council" with "an accurate account of receipts and disbursements." While the chairman can exercise supervisory authority over the secretary-treasurer, he cannot assign the duties spelled out in the constitution to any other tribal entity except the secretary-treasurer. In the past, tribal business was so limited that some secretary-treasurers interpreted the language in the constitution concerning "custody of the records" to mean they could take them home with them! Clearly the intent of the words "custody" means that the constitutionally delegated responsibility to maintain records on behalf of the tribe is vested in one person whose job

is to insure that the records are available at all times during business hours and are passed on to his or her successor. Just as clear is the responsibility to protect and account for tribal funds and maintain accurate tribal rolls. The present accounting department and tribal rolls director function under the verification of the secretary-treasurer. The preparation of the periodic and annual audits are coordinated by the secretary-treasurer as are all changes in the tribal rolls. While the staff of the accounting department and tribal rolls office are supervised by the tribal administrator under the authority of the chairman, they must operate with the full knowledge and approval of the secretary-treasurer.

## Gaming conference held

An Indian gaming conference was held on July 17, in Tulsa, Oklahoma, to discuss possible repercussions of a recent Oklahoma State Supreme Court ruling opening the door to state regulation of Indian bingo.

In the 8 - 1 court ruling, Justice Marian Opala said the state of Oklahoma could assume regulation of the games if it can show such operations affect entities other than the sponsoring tribe.

Most court-watchers in Indian Territory believe the court ruling is aimed not so much at bingo games specifically, but is an attempt by the state to assume jurisdiction over Indian enterprises in order to collect taxes.

A plea was rendered at the Tulsa meeting to form a coalition of all 39 Oklahoma tribes. The organization will be called "United Indian Governments In Oklahoma," and will emphasize Native American voter registration, formation of an Indian gaming committee and establishment of a committee to watchdog legislative actions.

## Health Aids advice

The Citizen Band Potawatomi Tribal Health Aids Foundation has been receiving numerous requests for assistance without the applicants submitting an **itemized statement**. Submission of a bill or estimate without the itemized statement attached will delay processing of your claim.



## Sioux win election battle

A federal appeals court has upheld a lower court's dismissal of a lawsuit claiming the Cheyenne River Sioux Tribal Council in South Dakota violated the rights of tribal members who were barred from running for office on the reservation.

In making its ruling, the 8th U.S. Circuit Court of Appeals upheld a lower court ruling dismissing the complaint for lack of jurisdiction. The three-judge panel said the Indians should resolve the situation themselves.

Eleven members of the Cheyenne River Sioux Tribe filed a lawsuit in August 1984, contending that the tribal council improperly declared four candidates ineligible to run for office because the four opposed the policies of the council.

The 11 tribal members had sought to have the September tribal council election delayed until a court ruling had been issued on four candidates who were removed from the ballot. Another candidate was involved in the dispute, but he had lost a primary.

U.S. District Judge Donald Porter of Pierre ruled Aug. 31 that no one's constitutional rights had been violated and the matter should be settled within the tribal government.

The 11 immediately appealed to the 8th U.S. Circuit Court of Appeals, requesting that the election be held up until the

appeals court could hear arguments. The appeals court refused to block the election, which was held Sept. 4, 1984, and on Thursday upheld Porters ruling.

Citing a ruling in a previous case, the opinion said "relief for tribal deprivations of rights must be resolved through tribal forums."

"We believe the district court correctly held that resolution of disputes involving questions of interpretation of the tribal constitution and tribal law is not within the jurisdiction of the district court," the appeals court concluded.

The lawsuit said that the tribal council voted July 12, 1984, to bar Joan LeBeau, Clarence LeBeau and Walter Woods from ever running for office because of alleged past misconduct in office. Woods couldn't have run in the general election anyway because he lost a primary election. The suit also said the council decided that Bertha Cashing Hawk and Grady Claymore couldn't run for the council because they don't meet residency requirements.

The lawsuit contended that those people were prevented from running for the council only because they disagreed with the sitting council concerning the number of election districts for the tribal council.

## IHS forgets bathrooms

Indian Health Service officials, testifying before the House Appropriations Subcommittee on the Interior, said budget constraints forced the agency to delete funds for bathrooms in new homes that will be built on Indian reservations in fiscal year 1986. They said there are now about 20,000 homes on reservations without indoor plumbing. The IHS testimony indicated that the Bureau of Indian Affairs plans to construct about 1,000 homes in 1986 and another 1,900 will be built with tribal and other funds. IHS has the responsibility of providing sanitation facilities for homes on the reservation.

## PBS film available

The Eric Sevareid-narrated film, *The New Captialists: Economics in Indian Country*, is now available for a free one-week loan in a variety of formats from Odyssey Productions, Inc.

Sevareid said: "The program examines the quantum leap into 20th century industrial America being made by our nation's poorest minority. It is an insight into American native culture never before presented to a national television audience."

The one-hour version, shown on PBS, is offered in three different video tape formats. Special half-hour versions, edited for either the

Indian community or the business community, are available in a 16mm film as well as the video tape. Copies of the program are also available for purchase.

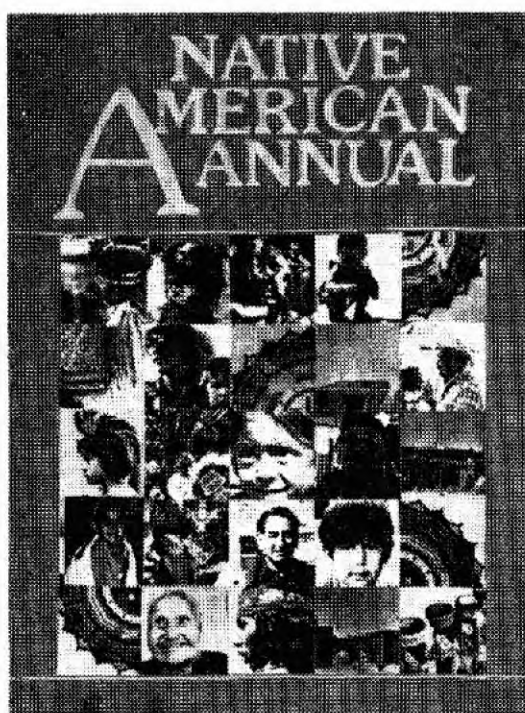
The production and free distribution of the program have been made possible by the M.J. Murdock Charitable Trust of Vancouver, Wash., to encourage economic progress in America's Native communities.

For additional information or to request a loan, contact Odyssey Productions, 122 N.W. Third Avenue, Portland, Ore. 97209 (503) 223-3480.

# THE PAST AND PRESENT AS IT HAS NEVER BEEN PUBLISHED BEFORE.

The NATIVE AMERICAN ANNUAL, unique in its purpose in bringing the past and present of the Native American Indian into focus — an intense exploration of the ancient traditions, proud culture and special relationship with the natural world — all showcased through articles and photographs on tribal history, language, poetry and profiles of the Tribal communities and members.

For all who seek knowledge of the rich diversity of the American Indian cultures, as well as a permanent record, this is the NATIVE AMERICAN ANNUAL.



# NATIVE AMERICAN ANNUAL

The price of the NATIVE AMERICAN ANNUAL will be \$8.95 on newsstands — however, in response to this notice, and to insure that you receive your copy of a limited printing, place your order now for our pre-publication price of \$6.95.

### RESERVATION APPLICATION

Citizen Band Potawatomi Tribe

Orders must be prepaid to  
The Native American Publishing Company, Inc.  
760 Mays Blvd., Suite 6, P.O. Box 6338,  
Incline Village, Nevada 89450

My check in the sum of \$ \_\_\_\_\_ is attached  
for \_\_\_\_\_ copies.

A money order in the sum of \$ \_\_\_\_\_  
is attached for \_\_\_\_\_ copies.

Charge to my Mastercard No. \_\_\_\_\_  
(exp. date \_\_\_\_\_)  
in the sum of \$ \_\_\_\_\_ for \_\_\_\_\_ copies.  
(Additional copies \$6.00 each)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_



# Election 1985 (from page 1)

eventually ruled that the allegations of violations of the election ordinance had indeed occurred, but that they were procedural defects "not substantive enough to affect the due process" of the tribal membership. For the most part, the violations were impossible to avoid due to the passage of the new constitution on May 29. That constitution changed the voting age and approved absentee ballots - two substantial mandates that prohibited the certifying of an official voters list before results of

the referendum on the constitutional revision were approved.

Charges of nepotism against Election Committee member Sheree Randall were also seen as procedural defects due to the wording of the election ordinance that prohibits appointment of a close relative of a candidate. At the time of Ms. Randall's appointment, her mother, Beverly Hughes, was not a candidate. When Mrs. Hughes later filed her candidacy the Election Committee, the tribal attorney and the

Business Committee (including Bruno and Whitecotton) voted to retain Ms. Randall on the Committee. Mrs. Hughes ran unopposed for a seat on the Grievance Committee.

Commenting on the charges raised against Barrett's 1,200 campaign mail-outs and whether or not they "simulated" the official tribal newspaper, Lujan commented, "the court cannot pretend to protect the careless reader, but will try to protect the average Indian person." Lujan went on to say, "The court takes

judicial notice that the Potawatomi Tribe is made up of educated people," and that "minimum legal standards of behavior" had been adhered to. Lujan further ruled that endorsement of Barrett's "ticket" of candidates by tribal officials was separated in the campaign literature from other articles and would not be considered a tort.

Lujan then granted the Election Committee's motion to dismiss and stated he would certify the 1985 election.

## Potawatomi fire

Fire officials are attempting to determine the cause of a fire earlier this month that destroyed the Potawatomi Indian Hall in Silver Creek Township in Michigan.

The fire, discovered about 5:45 a.m. by a neighbor, left only the walls standing on the 100 year-old, one-story wood frame structure. The building had been sold to the Pokagon Band of the Potawatomi Nation in 1974 for use as a business and activities center.

## Christmas in August — thanks to AYUDA

It was Christmas in August, or at least it seemed that way, when the Citizen Band Potawatomi Tribe claimed its share of 10,000 brand new toys donated by inmates at Rahway State Prison in New Jersey.

Project AYUDA (a Spanish word for "help") was begun by Rahway lifer Rick Rowe eight years ago to provide toys for underprivileged children in the New Jersey area. Last year, after receiving manufacturers' donations of more than 225,000 toys, Rowe selected numerous North American Indian tribes to receive toys.

This year, the five tribes in the Shawnee Agency paid for transportation from New Jersey of 10,000 toys and will be distributing them to tribal youngsters and area service groups at Christmastime.

**Pictured: Summer youth workers help load the 120-box share of toys received by the Citizen Band Tribe from the Rahway Prison AYUDA Program.**



## Youth Program ends

The 1985 Citizen Band Potawatomi Summer Youth Employment Program drew to a close with a day-long workshop on August 8, focusing on financial aid for education, job skills and positive self-image in the employment market.

Program Director Tim Martinez and Summer Youth Program Coordinator Richard Harjo organized the workshop which featured employment counselors, health field representatives, school administrators and tribal officials and personnel.

The 1985 tribal Summer Youth Program provided training and employment for nearly 70 Indian youths in the area.

### Do you recognize this picture?

On the front page is a print made from one of the several glass negatives donated by Mrs. Helen Ford of Langley, Washington. We think it was taken at the old Sacred Heart Academy.

## Sac and Fox barter

An Oklahoma Indian tribe "has begun bartering what it says are treaty privileges for generous chunks of corporate action ranging from co-venture partnerships to total takeovers," the *Tulsa World* reported June 30.

According to the newspaper, the Sac and Fox Tribe is using tribal perks such as "immunity from federal and state income tax to lower loan rates and preferential government bidding rights" and the avoidance of federal manufacturers excise taxes to entice companies to make deals with them. The tribe is receiving guidance from a non-Indian, Bill DeGeer, president of the Sac and Fox Industries, Ltd.

DeGeer, a former stockbroker and financial officer for an international energy services company, advised the tribe that its treaty rights were the tribe's most valuable asset. "If you have an ounce of imagination," he said, "you begin to see lots of possibilities."

DeGeer said the tribe had

signed a contract with the Saudi Almaha Trading and Contracting Company to be its exclusive business representative in the U.S. for materials — from lumber to spare auto parts. The tribe, he said, can offer a better price because it's exempt from federal manufacturers' excise tax and certain other taxes.

The tribe is also planning to purchase a Tulsa manufacturer of surgical sheets. The enterprise, which does \$3 million in annual sales and employs 25, would move to Sac and Fox land. The company's bank loan can be refinanced at lower rates available to the tribe and, as a tribal enterprise, the company will have other advantages. The tribe has created a new Industrial Development Commission designed to assure the business world insulation from tribal political meddling "which has long been the major obstacle to Indian economic development," DeGeer said.



Let Me Serve Your  
Barbering Needs

### Kiker's Barbering

1202 N. Market  
Shawnee, Okla. 74801

**NORMAN KIKER** *Monday - Friday*  
Owner 8 A.M. - 5 P.M. Phone  
Sat. 8 A.M. - 12 Noon 405-273-0026